

SUBCHAPTER A—GENERAL REGULATIONS AND POLICIES

PART 1400—PAYMENT LIMITATION AND PAYMENT ELIGIBILITY

Subpart A—General Provisions

- Sec.
- 1400.1 Applicability.
 - 1400.2 Administration.
 - 1400.3 Definitions.
 - 1400.4 Indian tribal ventures.
 - 1400.5 Scheme or device.
 - 1400.6 Commensurate contributions.
 - 1400.7 Joint and several liability.
 - 1400.8 Equitable adjustments.
 - 1400.9 Appeals.
 - 1400.10 Paperwork Reduction Act assigned number.

Subpart B—Person Determinations

- 1400.100 Timing for determining status of persons.
- 1400.101 Limited partnerships, limited liability partnerships, limited liability companies, corporations and other similar entities.
- 1400.102 Joint operations.
- 1400.103 Trusts.
- 1400.104 Estates.
- 1400.105 Husband and wife.
- 1400.106 Minor children.
- 1400.107 States, political subdivisions, and agencies thereof.
- 1400.108 Charitable organizations.
- 1400.109 Changes in farming operations.

Subpart C—Actively Engaged in Farming Determinations

- 1400.201 General provisions for determining whether an individual or entity is actively engaged in farming.
- 1400.202 Individuals.
- 1400.203 Joint operations.
- 1400.204 Limited partnerships, limited liability partnerships, limited liability companies, corporations and other similar entities.
- 1400.205 Trusts.
- 1400.206 Estates.
- 1400.207 Landowners.
- 1400.208 Family members.
- 1400.209 Sharecroppers.
- 1400.210 Deceased and incapacitated individuals.
- 1400.211 Persons not considered to be actively engaged in farming.
- 1400.212 Hybrid seed producers.

Subpart D—Permitted Entities

- 1400.301 Limitation on the number of entities through which an individual or en-

tity may receive a payment and required notification.

Subpart E—Cash Rent Tenants

- 1400.401 Eligibility.

Subpart F—Foreign Persons

- 1400.501 Eligibility.
- 1400.502 Notification.

AUTHORITY: 7 U.S.C. 1308, 1308-1, and 1308-2; 16 U.S.C. 3834.

SOURCE: 61 FR 37566, July 18, 1996, unless otherwise noted.

Subpart A—General Provisions

§ 1400.1 Applicability.

(a) All of the provisions of this part are applicable to the following programs and any other programs as may be provided for in individual program regulations:

(1) The programs authorized by part 1412 of this chapter;

(2) Any program authorized by parts 1421 and 1427 of this chapter under which a gain is realized by a producer from repaying a marketing assistance loan for a commodity at a lower rate than the original loan rate established for the commodity, and any program that authorizes the making of a loan deficiency payment with respect to a commodity;

(3)(i) The program authorized by parts 704 and 1410 of this title with respect to the Conservation Reserve Program (CRP) rental payments made in accordance with a contract entered into on or after August 1, 1988. For contracts entered into before August 1, 1988, in accordance with such contracts, the person may elect to have the provisions of this part apply to such contract by notifying the county committee in writing of such election. Such election shall be irrevocable.

(ii) The regulations set forth at part 795 of this title are applicable to CRP contracts entered into before December 22, 1987, and to CRP contracts entered into on or after such date and before August 1, 1988, if the person has not made the election specified in paragraph (a)(3)(i) of this section.

§ 1400.2

(iii) This part is not applicable to rental payments made in accordance with a CRP contract if such payments are made to a State, political subdivision, or agency thereof in connection with agreements entered into under a special conservation reserve enhancement program carried out by such State, political subdivision, or agency thereof that has been approved by the Secretary, or a designee of the Secretary.

(iv) With respect to inherited land, this part is not applicable to rental payments made in accordance with a CRP contract if such payments are made to an individual heir who has succeeded to such contract. Such land must have been subject to the CRP contract at the time it is inherited by the individual.

(b) Only the provisions of subparts A and B are applicable to the Agricultural Conservation Program (ACP) authorized under part 701 of this title.

(c) This part shall be applied to the programs specified in paragraph (a)(2) of this section on a crop year basis; and with respect to the programs specified in paragraphs (a)(1) and (3) and (b) of this section on a fiscal year basis.

(d) This part shall be used to determine whether individuals and entities are to be treated as one person or as separate persons for the purpose of applying the respective payment limitation provisions applicable to the programs specified in this section and to such other programs as may be provided in individual program regulations.

(e) In cases in which more than one provision of this part are applicable, the provision which is most restrictive shall apply.

(f) Payments shall not be subject to the payment limitation provisions if they are made to:

(1) Public schools with respect to land owned by a public school district; or

(2) A State with respect to land owned by a State that is used to maintain a public school.

(g) The following amounts are the limitations on payments per person per applicable period for each payment.

7 CFR Ch. XIV (1–198 Edition)

Payment type	Limitation per program year or fiscal year
Production Flexibility Contract	¹ \$40,000
Production Flexibility Contract	² 50,000
Marketing Loan Gain	³ 75,000
Loan deficiency	
CRP	50,000
ACP cost-share	3,500
Non-Insured Crop Disaster Assistance Program (NAP)	100,000

¹ Annual payment amount.

² Amounts made in accordance with section 113(c) of the Federal Agriculture Improvement and Reform Act of 1996.

³ The total of marketing loan gains and loan deficiency payments cannot exceed \$75,000 per crop year.

§ 1400.2 Administration.

(a) The regulations in this part will be administered under the general supervision and direction of the Executive Vice President, Commodity Credit Corporation (CCC), and the Administrator, Farm Service Agency (FSA). In the field, the regulations in this part will be administered by the FSA State and county committees (herein referred to as “State and county committees,” respectively).

(b) State executive directors, county executive directors and State and county committees do not have authority to modify or waive any of the provisions of this part.

(c) The State committee may take any action authorized or required by this part to be taken by the county committee which has not been taken by such committee. The State committee may also:

(1) Correct or require a county committee to correct any action taken by such county committee that is not in accordance with this part; or

(2) Require a county committee to withhold taking any action that is not in accordance with this part.

(d) No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, and the Administrator, FSA, or a designee, from determining any question arising under this part or from reversing or modifying any determination made by a State or county committee.

(e) The initial “actively engaged in farming” and “person” determinations shall be made within 60 days after the producer files the required forms and any other supporting documentation needed in making such determinations.